

REMARKS

The Official Action of September 28, 2007, and the prior art cited and relied upon therein have been carefully studied. The claims in the application remain claims 25-47, and these claims define patentable subject matter warranting their allowance. Favorable reconsideration and such allowance are respectfully urged.

Claims 25-47 remain in the application for consideration.

The Examiner has rejected claims 25-28 and 36-37 under 35 U.S.C. §102(b) as being anticipated by Kwauka '473, claims 29-32 and 45 as being unpatentable over Kwauka in view of Annas '121, claims 33-34 under 35 U.S.C. §103(a) as being unpatentable over Kwauka in view of Wursthorn '698, claim 35 under 35 U.S.C. §103(a) as being unpatentable over Kwauka in view of Hullhorst '128, claims 38-40 under 35 U.S.C. §103(a) as being unpatentable over Kwauka in view of Smith '422, claims 41-44 under 35 U.S.C. §103(a) as being unpatentable over Kwauka in view of Hayden '318 and Shimkowski '817, and claims 46-47 under 35 U.S.C. §103(a) as being unpatentable over Kwauka in view of Hayden.

Applicant notes that the Examiner has rejected claims 25-28 and 36-37 as being anticipated by Kwauka. Applicant has traversed this rejection based on the fact that the Examiner's list of structure from Kwauka fails to cover or anticipate all the structural features set out in claims 25-28 and 36-37. In fact, Applicant submits that independent claim 25 is much more complex than the analysis made by the Examiner at page 2 of the Office Action.

Claim 25 states that the handling unit 1 for palletizing of the present invention comprises a flexible sliding panel (7) slidable along rails (5), the rails having two sections:

- a first longitudinal section of the rails (5) that extends along two opposing circular arc portions, and
- a second longitudinal section thereof that extends along two opposing horizontal portions, where the sliding panel (7) occupies only the first section extending along the two circular arc portions when in its retracted position.

These structural features are a primary inventive feature of the claimed invention, useful in that the features

for a mechanism for retraction of the sliding panel that is compact and versatile and also simplifies the operation of the handling unit.

In addition to the above important structural differences, Kwauka further fails to teach the following:

- There is no flexible sliding panel in Kwauka. Kwauka has a plate 5 not identified as being flexible. It can simply slide back and forth in one horizontal direction (see Figs. 2A-2D of Kwauka).
- Kwauka has no rails in which a flexible panel slides. There is only a system which comprises toothed gears 55 which sit on toothed bars and are actuated by a cylinder-piston system 58, 59. This arrangement can only move plate 5 back and forth in one horizontal direction and gives no perceptible advantage of compactness compared to the claimed invention,
- There are no rails in Kwauka having circular arc portions in which a flexible sliding panel can be retained.

Clearly, Kwauka completely fails to anticipate claims 25-28 and 36-37.

Concerning the 35 U.S.C. §103(a) rejections of the remaining claims by the Examiner, Applicants note that since the Examiner's 35 U.S.C. §102(b) rejection is clearly unfounded, the subsequent obviousness rejections are also incorrect, as in every instance the combination of Kwauka with the other documents considered by the Examiner cannot lead to the claimed invention.

However, Applicant offers the following further remarks. In particular, the obviousness rejection of claims 29-32 and 45 in view of Kwauka and Annas is to be traversed, not only for the reasons discussed above, but also for the fact that Annas shows a device which has no equivalency to the claimed invention.

In particular, Annas is a device for lifting weights (for example, furniture) by means of a platform that is movable by arms 5 to which an axle 17 is connected. The axle 17 at its extremities has toothed wheels that engage the circular sectors 6 having teeth 13. The only similarity may be the presence of the fixed rack (circular sectors 6, 13) because in the claimed invention there is no need to lift an external weight as it is limited to retracting the flexible sliding panel into the circular arc portion of the rails. The Examiner has provided no explanation why the cited combination

is justified in light of their difference in structure and purpose.

Rejection of claims 33-34 in view of Kwauka and Wurstthorn is also traversed because, while Wurstthorn shows cylindrical rods and wheel in order to minimize damage to the article, Applicant submits that the combination does not teach the claimed structure in view of the differences with Kwauka and that the rods and wheel of the claimed sliding panel are engaged together to permit a complete retraction of the panel into the claimed circular arc portion of the rails which the Wurstthorn panel cannot achieve as it is formed to be continuous, i.e. formed to rotate around sprockets 96, 98.

Rejection of claim 35 in view of Kwauka and Hullhorst appears based on a too literal interpretation of the expression "mutually facing" for the sliding panels 7 and 7', which in the invention are not one on to the other, but simply paired in a horizontal plane.

Applicant respectfully submits that the claimed invention patentably defines over Kwauka alone or in combination with the additionally cited prior art on the basis of at least the above identified structural differences.

The prior art documents made of record and not relied upon have been noted along with the implication that such documents are deemed by the PTO to be insufficiently pertinent to warrant their applications against any of applicant's claims.

Favorable reconsideration and allowance are earnestly solicited.

Respectfully submitted,

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